

FILED
Date _____
Time _____
Clerk _____
Comm. Amdt. _____

AMENDMENT NO. _____

Signature of Sponsor

AMEND Senate Bill No. 2463*

House Bill No. 2689

by deleting all language after the enacting clause in the printed bill and by substituting instead the following:

Section 1. Tennessee Code Annotated, Section 68-11-121, is amended in subdivision (b)(1) by deleting the entire subdivision and substituting the following:

(1) The need for nursing home beds shall be determined by applying the following population-based methodology:

County bed need=.0004 times population of the county 65 years of age and under; plus,

0.01 x population age 65-74; plus,

0.04 x population age 75-84; plus,

0.15 x population 85 and over.

When applying the foregoing bed need formula the commission shall use the formula in effect at the time of initial consideration of an application rather than a formula in effect at the time of application. County population statistics shall be based upon official statistics provided by the department of health.

Section 2. Tennessee Code Annotated Section 68-11-121 is further amended by deleting subsections (f), (g) and (h) in their entirety.

Section 3. Tennessee Code Annotated Title 68 Chapter 11 Part 1 is amended by adding a new Section 68-11-122 as follows:

(a) The provisions of this section shall apply to the consideration by the commission of all certificates of need for new nursing home beds during the

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period beginning on the effective date of this act and ending June 30, 1999.

During such time the provisions of §68-11-106(b) permitting expansion of existing licensed nursing homes by the lesser of ten (10) beds or ten percent (10%) shall not apply.

- (b) Applications filed on or before April 15, 1996, shall be considered by the commission in accordance with law in effect prior to May 15, 1996. The requirements of T.C.A. §68-11-121 shall not apply to applications for certificates of need filed after April 15, 1996, for new nursing home beds (including conversion of hospital beds) which will be certified for participation in the Medicare program as skilled nursing facility (SNF) beds. Until July 1, 1999, such applications shall be reviewed for a determination of need in accordance with this section. During the fiscal year between July 1, 1998 and June 30, 1999, no more than one hundred twenty-five (125) Medicare SNF beds shall be authorized for applicants filing for a certificate of need pursuant to this subsection. The Medicare SNF beds authorized by this subsection shall only be issued to licensed nursing homes or hospitals, and the number of beds issued shall not exceed twenty (20) for each applicant. The applicant shall specify in the application the skilled services to be provided and how the applicant intends to provide such skilled services. In reviewing applications the commission shall give consideration to whether the applicant currently has Medicare SNF beds. Applications for Medicare SNF

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beds under this subsection shall be reviewed by the department and considered by the commission pursuant to §68-11-108 rather than §68-11-121. If the pool of one hundred twenty-five (125) Medicare SNF beds created by this subsection is not depleted prior to the deadline established herein, the beds remaining in such pool shall be considered to be available to applicants who apply before the deadline even though review may occur after the deadline.

- (c) All expansions approved by the commission in the random drawing conducted in 1997 shall continue to be subject to the requirements in effect at the time of the drawing including the requirements that all such expansions be licensed within one (1) year of the commission's approval. No extensions of time shall be authorized or granted.
- (d) During the period this section is in effect, the commission shall issue no certificates of need for new nursing home beds other than the one hundred twenty-five (125) Medicare SNF beds authorized in this section. Any applicant who filed prior to the effective date of this act and whose application is not considered due to the provisions of this section shall be entitled to a refund of the application fee. The commissioner of health, in consultation with the commission and other interested parties shall evaluate the validity and appropriateness of the criteria for new nursing home beds set forth in §68-11-121.

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Section 4. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid portion or application, and to that end the provisions of this act are declared to be severable.

Section 5. This act shall take effect immediately upon its becoming a law, the public welfare requiring it.

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